



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2082

Introduced 2/14/2005, by Rep. Michael J. Madigan - Barbara Flynn Currie - Robert S. Molaro

SYNOPSIS AS INTRODUCED:

720 ILCS 5/28-1

from Ch. 38, par. 28-1

Amends the Criminal Code of 1961. Makes a technical change in a Section concerning gambling.

LRB094 03034 RLC 33035 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 28-1 as follows:

6 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

7 Sec. 28-1. Gambling.

8 (a) A person commits gambling when he:

9 (1) Plays a game of chance or skill for money or other
10 thing of value, unless excepted in subsection (b) of this
11 Section; or

12 (2) Makes a wager upon the ~~the~~ result of any game,
13 contest, or any political nomination, appointment or
14 election; or

15 (3) Operates, keeps, owns, uses, purchases, exhibits,
16 rents, sells, bargains for the sale or lease of,
17 manufactures or distributes any gambling device; or

18 (4) Contracts to have or give himself or another the
19 option to buy or sell, or contracts to buy or sell, at a
20 future time, any grain or other commodity whatsoever, or
21 any stock or security of any company, where it is at the
22 time of making such contract intended by both parties
23 thereto that the contract to buy or sell, or the option,
24 whenever exercised, or the contract resulting therefrom,
25 shall be settled, not by the receipt or delivery of such
26 property, but by the payment only of differences in prices
27 thereof; however, the issuance, purchase, sale, exercise,
28 endorsement or guarantee, by or through a person registered
29 with the Secretary of State pursuant to Section 8 of the
30 Illinois Securities Law of 1953, or by or through a person
31 exempt from such registration under said Section 8, of a
32 put, call, or other option to buy or sell securities which

1 have been registered with the Secretary of State or which
2 are exempt from such registration under Section 3 of the
3 Illinois Securities Law of 1953 is not gambling within the
4 meaning of this paragraph (4); or

5 (5) Knowingly owns or possesses any book, instrument or
6 apparatus by means of which bets or wagers have been, or
7 are, recorded or registered, or knowingly possesses any
8 money which he has received in the course of a bet or
9 wager; or

10 (6) Sells pools upon the result of any game or contest
11 of skill or chance, political nomination, appointment or
12 election; or

13 (7) Sets up or promotes any lottery or sells, offers to
14 sell or transfers any ticket or share for any lottery; or

15 (8) Sets up or promotes any policy game or sells,
16 offers to sell or knowingly possesses or transfers any
17 policy ticket, slip, record, document or other similar
18 device; or

19 (9) Knowingly drafts, prints or publishes any lottery
20 ticket or share, or any policy ticket, slip, record,
21 document or similar device, except for such activity
22 related to lotteries, bingo games and raffles authorized by
23 and conducted in accordance with the laws of Illinois or
24 any other state or foreign government; or

25 (10) Knowingly advertises any lottery or policy game,
26 except for such activity related to lotteries, bingo games
27 and raffles authorized by and conducted in accordance with
28 the laws of Illinois or any other state; or

29 (11) Knowingly transmits information as to wagers,
30 betting odds, or changes in betting odds by telephone,
31 telegraph, radio, semaphore or similar means; or knowingly
32 installs or maintains equipment for the transmission or
33 receipt of such information; except that nothing in this
34 subdivision (11) prohibits transmission or receipt of such
35 information for use in news reporting of sporting events or
36 contests; or

1 (12) Knowingly establishes, maintains, or operates an
2 Internet site that permits a person to play a game of
3 chance or skill for money or other thing of value by means
4 of the Internet or to make a wager upon the result of any
5 game, contest, political nomination, appointment, or
6 election by means of the Internet.

7 (b) Participants in any of the following activities shall
8 not be convicted of gambling therefor:

9 (1) Agreements to compensate for loss caused by the
10 happening of chance including without limitation contracts
11 of indemnity or guaranty and life or health or accident
12 insurance;

13 (2) Offers of prizes, award or compensation to the
14 actual contestants in any bona fide contest for the
15 determination of skill, speed, strength or endurance or to
16 the owners of animals or vehicles entered in such contest;

17 (3) Pari-mutuel betting as authorized by the law of
18 this State;

19 (4) Manufacture of gambling devices, including the
20 acquisition of essential parts therefor and the assembly
21 thereof, for transportation in interstate or foreign
22 commerce to any place outside this State when such
23 transportation is not prohibited by any applicable Federal
24 law;

25 (5) The game commonly known as "bingo", when conducted
26 in accordance with the Bingo License and Tax Act;

27 (6) Lotteries when conducted by the State of Illinois
28 in accordance with the Illinois Lottery Law;

29 (7) Possession of an antique slot machine that is
30 neither used nor intended to be used in the operation or
31 promotion of any unlawful gambling activity or enterprise.
32 For the purpose of this subparagraph (b) (7), an antique
33 slot machine is one manufactured 25 years ago or earlier;

34 (8) Raffles when conducted in accordance with the
35 Raffles Act;

36 (9) Charitable games when conducted in accordance with

1 the Charitable Games Act;

2 (10) Pull tabs and jar games when conducted under the
3 Illinois Pull Tabs and Jar Games Act; or

4 (11) Gambling games conducted on riverboats when
5 authorized by the Riverboat Gambling Act.

6 (c) Sentence.

7 Gambling under subsection (a) (1) or (a) (2) of this Section
8 is a Class A misdemeanor. Gambling under any of subsections
9 (a) (3) through (a) (11) of this Section is a Class A
10 misdemeanor. A second or subsequent conviction under any of
11 subsections (a) (3) through (a) (11), is a Class 4 felony.
12 Gambling under subsection (a) (12) of this Section is a Class A
13 misdemeanor. A second or subsequent conviction under
14 subsection (a) (12) is a Class 4 felony.

15 (d) Circumstantial evidence.

16 In prosecutions under subsection (a) (1) through (a) (12) of
17 this Section circumstantial evidence shall have the same
18 validity and weight as in any criminal prosecution.

19 (Source: P.A. 91-257, eff. 1-1-00.)